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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/039,237 | 12/31/2001 | Tameka Spence | KCC 4782 (K.C. No. 17,029) | 7293 |
| 321 | 7590 | 05/11/2004 | EXAMINER | |
| SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102 | | | HALPERN, MARK | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1731 | |

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/039,237 | SPENCE ET AL. |
| | Examiner Mark Halpern | Art Unit 1731 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-7,9-20 and 23-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1,3-7,9-20 and 26-41 is/are allowed.
 6) Claim(s) 23,24 is/are rejected.
 7) Claim(s) 25 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 4/26/2004. Applicants offer new claims 26-41, for consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 23-24, are rejected under 35 U.S.C. 102(b) as being anticipated by Espy (5,674,358). Espy discloses a process of repulping paper wherein 0.29 to 3.60 grams of sodium bicarbonate is introduced into an aqueous suspension of 1.5 liter of water containing 20 grams of paper (Example 1, col. 5-6, Table 1, sub-line (b), and Example 7, col. 7, line 58 to col. 8, line 3). The Espy percentage of sodium bicarbonate in an aqueous suspension calculates to from 1.45 % to 18 % by weight. The aqueous suspension is then formed into web sheets following standard procedures; upon formation the web is dried (col. 4, lines 38-68).

Allowable Subject Matter

- 3) Claims 1, 3-7, 9-20, 26-41, are allowed.

4) Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show a process for manufacturing a paper, wherein a suspension containing sodium bicarbonate is formed into a web, then said web being through-dried by heated air (claims 1, 12, 25, 26, 34).

Response to Amendment

5) Claims 1, 3-4, 7, 9-14, 17-20, rejection under 35 U.S.C. 103(a) as being unpatentable over Taylor (2,935,437) in view of Sisson (3,303,576), is withdrawn in view of Applicants' arguments.

6) Claims 5-6, 15-16, 23-25, rejection under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Sisson, and further in view of Espy (5,674,358), is withdrawn in view of Applicants' arguments.

7) Claims 1, 3-7, 9-20, 23-25, rejection under 35 U.S.C. 103(a) as being unpatentable over Espy (5,6744,358) in view of Sisson (3,303,576), is withdrawn in view of Applicants' arguments and further review of art in prior art.

8) Applicant's arguments with respect to claims 23-24, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1190. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

M. Halpern

Mark Halpern
Patent Examiner
Art Unit 1731